PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of	Docket No: Q60940
Kanji NAKANISHI	
Appln. No.: 09/688,134	Group Art Unit: 2145
Confirmation No.: 9987	Examiner: Melvin Pollack
Filed: October 16, 2000	

For: NETWORK DATA TERMINAL AND DATA PRINTING METHOD THEREFOR

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits

this Reply Brief in response to the Examiner's Answer dated June 30, 2005. Entry of this Reply

Brief is respectfully requested.

REMARKS

Claim 4 Comprises a Separately Patentable Invention

As an initial matter, the Examiner contends that all the claims stand or fall together, citing the lack of a statement for separate grouping of the claims under 37 C.F.R. § 1.192(c)(7). Appellant submits that because the Appeal Brief was submitted under the revised rule 37 C.F.R. § 41.37, the reference to the prior requirement of Section 1.192(c)(7) is inappropriate.

Appellant further clarifies that claim 4 is deemed to be separately patentable in view of the discussion set forth at page 12 of the Appeal Brief under the separate header. Appellant acknowledges the error in the header that refers to claim 1, rather than claim 4. However, it appears that the Examiner understood this separate ground of argument relative to claim 4, based on the comments in the Examiner's Answer at page 13. Therefore, it is respectfully submitted that claim 4 and its dependent claims 6, 14 and 18 comprise a separate patentable invention, such that these claims do not stand or fall with the remaining claims.

Reply to Examiner's Rebuttal Arguments

Selection and Printing on One or Both Sides of The Recording Sheet

The Examiner contends that the claim does not recite selection and printing of "same side" or "opposite side" printing relative to a single sheet of recording material, and therefore construes the claim to read on a case where the recording occurs on separate sheets or two-sides of the same sheet. Appellant submits that the context of the recitations of claim 1 supports the concept of selection and printing relative to a single sheet.

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Claim 1 recites inter-related elements:

device for allowing a user of the data terminal to choose whether to print the ad data on **the same side of a** recording sheet as the information or on the opposite side from the information;

a print control device that produces print image data for **one side or for both sides** from the information and the ad data in accordance with which side of **the** recording sheet the ad data is to print...

Claim 1 clearly recites selection of a side for printing ad data in relation to the side of "information." If the "one side" referred to two separate sheets as the Examiner contends, then reference to one side or both sides relative to **the** (e.g. same or single) recording sheet would be rendered meaningless. Therefore, the selection of which side ad data is to print relative to information is not merely a matter of selecting one sided or two sided printing as the Examiner appears to contend.

Charge Modification Sending Device

The Examiner continues to rely on an Ethernet controller for teaching aspects of the charge modification device. The Examiner contends that a print image complexity (e.g. double-sided) will cause a more expensive printer to be used, and therefore the cost will be modified. This conclusion on the modification of costs and complexity and variation in charge is complete speculation on the Examiner's part because Yokomizo is silent on this matter. The reference to any costs can relate purely to selection of an appropriate network printer based on throughput

requirements. It need not have any cost relation to the amount of ad data as claimed. A prior

art rejection cannot stand on the Examiner's unsupported assumption.

Automatic Sorting for Detecting Category of Information

The Examiner relies on the general masking and classification based on memory size

requirements as corresponding to automatic sorting for detecting categories of information. The

Examiner relies on Figs. 15-20 and their supporting text. The cited portions merely describe the

breakdown of an image into constituent parts, such as masking for geometrical purposes,

background and rendering. This does not categorize ad data by category since in Shimizu, each

image undergoes such an analysis.

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant

respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal.

An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,

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